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Attorneys for Defendant JJ and W Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Plaintiff,

v.

JJ AND W COMPANY,

Defendant.

CASE NO. C 07 4360 HRL

**STIPULATION AND ORDER TO
EXTEND TIME FOR (1) FILING
RESPONSE TO COMPLAINT BY
DEFENDANT (2) TIME IN WHICH
TO COMPLETE INITIAL
DISCLOSURES AND (3) LAST DAY
FOR PLAINTIFF TO FILE NOTICE
OF NEED FOR MEDIATION**

Action Filed:
Trial Date:

August 23, 2007
Not set

TO THE COURT AND ALL PARTIES APPEARING ON RECORD:

Plaintiff RICK FUTIA ("Plaintiff") and Defendant JJ AND W COMPANY ("Defendant"), by and through their respective attorneys of record do hereby stipulate and agree to the following amendments to the Case Schedule in the above matter:

(1) The time for Defendant to respond to Plaintiff's complaint shall be extended up to, and including **March 31, 2008**.

(2) The last day for the parties to complete initial disclosures, including defendant's disclosures re: construction or alteration history of subject premises shall be

extended up to, and including 10 days after either party files a notice of need for mediation.

(3) The last day for plaintiff to file notice of need for mediation shall be extended up to, and including **March 31, 2008**.

These extensions of time are in no way intended to delay disposition of this action.

The parties attended the site inspection of the subject premises on November 20, 2007. Unfortunately, Plaintiff's expert, Kim Blackseth, has been hospitalized for much of the last two months with the result that he has been unable to produce his report of the site inspection. It is hoped that Mr. Blackseth shall be able to produce his report in the forthcoming weeks. The parties are working toward amicably resolving this matter and hope to achieve resolution on or before March 31, 2008.


The extensions of time agreed to are required to allow the expert to produce a report of the site inspection and for the parties to evaluate that report, before entering into further negotiations.

DATED: January __, 2008

Thomas N. Stewart, III
Attorney for Plaintiff RICK FUTIA

DATED: January 22, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: 
Charles O. Thompson
Paul S. Cowie
Attorneys for Defendant JJ and W Company

1 extended up to, and including 10 days after either party files a notice of need for
2 mediation.

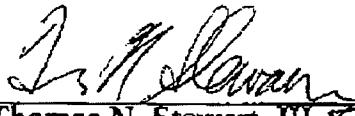
3 (3) The last day for plaintiff to file notice of need for mediation shall be extended
4 up to, and including **March 31, 2008**.

5
6 These extensions of time are in no way intended to delay disposition of this action.

7 The parties attended the site inspection of the subject premises on November 20,
8 2007. Unfortunately, Plaintiff's expert, Kim Blackseth, has been hospitalized for
9 much of the last two months with the result that he has been unable to produce his
10 report of the site inspection. It is hoped that Mr. Blackseth shall be able to produce
11 his report in the forthcoming weeks. The parties are working toward amicably
12 resolving this matter and hope to achieve resolution on or before March 31, 2008.


13 The extensions of time agreed to are required to allow the expert to produce a report
14 of the site inspection and for the parties to evaluate that report, before entering into
15 further negotiations.

16
17 DATED: January 23, 2008


Thomas N. Stewart, III
Attorney for Plaintiff RICK FUTIA

18
19 DATED: January 22, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

20
21 By: 
Charles O. Thompson
Paul S. Cowie
Attorneys for Defendant JJ and W Company

ORDER

Based upon the foregoing Stipulation:

IT IS HEREBY ORDERED that the parties shall have through and including the dates listed above in which to file a Response to Plaintiff's Complaint, complete initial disclosures and file notice of need for mediation in the above referenced matter.

DATED: _____, 2008

Honorable Howard R. Lloyd
Magistrate Judge

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PROOF OF SERVICE

Futia v. JJ and W Company

U.S. District Court, Northern District Case No. C07 4360 HRL

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On January 23, 2008, I served the following document(s):

STIPULATION AND ORDER TO EXTEND TIME FOR (1) FILING RESPONSE TO COMPLAINT BY DEFENDANT (2) TIME IN WHICH TO COMPLETE INITIAL DISCLOSURES AND (3) LAST DAY FOR PLAINTIFF TO FILE NOTICE OF NEED FOR MEDIATION

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Thomas N. Stewart, III
369 Blue Oak Lane, 2nd Floor
Clayton, California 94517

Telephone: 925-672-8452
Facsimile: 925-673-1729
Attorney for Plaintiff

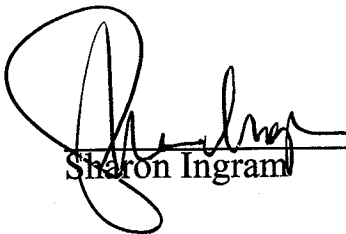
The documents were served by the following means:

☒ (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and (specify one):

☒ Placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope of package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 23, 2008, at San Francisco, California.


Sharon Ingram